

KENTUCKY BOARD OF RESPIRATORY CARE

SUMMARY MINUTES

June 12, 2008

A meeting of the Kentucky Board of Respiratory Care was held at 5:30 p.m., at the KBRC Conference Room, 2624 Research Park Drive, Room 304, Lexington, KY on Thursday, June 12, 2008.

MEMBERS PRESENT

Dr. Byron T. Westerfield, Chair
Klaus Becker, Vice-Chair
Tami McDaniel
Pat Fisher
Dr. Abdi Vaezy
James P. Bronson, Jr.

KBRC STAFF

Peggy Lacy Moore, Executive Director
Rick L. Rose, Administrative Assistant

OTHER

Cheryl Lalonde, AAG "Absent"

Klaus Becker, Vice-Chairman called the meeting to order at 5:25 p.m., filling in for Dr. Westerfield who called to report he was stuck in traffic and for Mr. Becker to go ahead with the meeting, at the Board's conference room, in Lexington, KY.

Minutes

Tami McDaniel moved to approve the April 10, 2008 minutes; seconded by Jim Bronson. Motion carried unanimously.

The Board discussed the Governor's May 27, 2008 Ethics Executive Order "Relating to Standards of Ethical Conduct in the Executive Branch of State Government". The Board discussed items number 7 and 8 of the Executive Order and it was requested to get legal counsel's advice and to request an Opinion from the Executive Branch Ethics Commission "***can a professional member(s) who holds a leadership role with their professional organization also serve a leadership role for their respective Board***"? The Board decided to table the discussion for the August 14, 2008 meeting.

Dr. Westerfield joined the meeting at 6:25 p.m., and asked Mr. Becker to continue the meeting.

Report from CEU Committee - Continuing Education

Pat Fisher updated the Board on the CEU submissions she had reviewed and approved. She stated some of the folks are getting ideas from others that they need to submit their courses early before their renewal cycle commences. Mrs. Fisher spoke of one fellow in particular that Jim Bronson had referred to her inquiring why the 200 level classes for A and P didn't receive any CEU credits. Mrs. Fisher explained that was part of the curriculum for graduation and part of the Associate's program and if he participated in a Bachelor's program or higher level classes we

would give credits for those classes. Ms. Lalonde's article was placed in the newsletter and on the website in regard to claiming CEU's for college courses.

Agreed Orders:

Shirley Henderson KY # 0086 Agreed Order 5/20/05 & Amendment 10/16/06

Mrs. Moore provided an update on Shirley Henderson. Mrs. Henderson is participating in a drug court program in Marshall County, KY and entered into a second diversion program. Ms. Henderson's clock starts over and she must document six months of continued sobriety working the KYPRN program before she may petition the Board for reinstatement of her respiratory license. Mr. Fingerson reports she is adhering to the letter of the agreement.

Darlene Jackson KY # 4926 – Agreed Order 3/15/05

Mrs. Moore stated Ms. Jackson is nearing completion of the terms of her Agreed Order and we need to get confirmation of her meetings since January 2008.

Katrina A. Baker KY # 0208 – AO 4/20/06; Amended Order 3/16/07 & 8/9/2007

Mrs. Moore advised that Katrina Baker has been readmitted to a continuing care group at Questhouse in Bowling Green, KY for her third try at rehabilitation. Mr. Fingerson reports Ms. Baker signed and returned a KYPRN agreement as of May 29, 2008 but has not begun the monthly reporting process. However, Mr. Fingerson reports he gets weekly updates from the Questhouse on her. The Board agreed Ms. Baker will need to document one (1) year of continued sobriety working the KYPRN Program with Mr. Fingerson before requesting reinstatement of her license, which will not be any sooner than April 2009.

Sharon Barnes KY # 0556 – AO 5/20/05 & Amended 8/17/06; March 18, 2008

Mrs. Moore advised the Board that the Grand Jury met in Clark County, Winchester, KY on June 9, 2008 and returned an indictment against Ms. Barnes. The Board received allegations on March 20, 2008 by Nurse's Registry, her former employer, and the Winchester Police Department, that Ms. Barnes had been arrested for stealing drugs at a patient's residence in Winchester. The Board will await the outcome of the criminal case against Ms. Barnes.

Tami D. Balser KY # 2181 – KYPRN Update & AO Pending

Mrs. Moore discussed the draft Agreed Order Ms. Lalonde prepared for Tami Balser's case with the Board. Ms. Balser needs to work with Mr. Fingerson to coordinate her rehabilitation with KYPRN and Bluegrass Comprehensive Care. The Agreed Order had one correction and Ms. McDaniel requested legal counsel to correct and staff to mail the Agreed Order to Ms. Balser consistent with the aims of the two programs to include:

- three (3) years probation
- completion of 24 out-patient counseling sessions with Dottie Wheeler
- attendance of four (4) two-hour women's sessions
- attendance of four (4) AA meetings in two (2) weeks

- adherence to the KYPRN agreement
- copies of the Agreed Order to all employers
- notification to the Board of any employer changes
- 12 random drug screens a year at her own expense

Gary Short KY # 4901 – AO April 10, 2008

Mrs. Moore advised Gary Short had completed his Agreed Order and paid his \$500 fine and served his suspension. Mrs. Moore will relay to Mr. Short if he wants to return to active status he must file a reinstatement along with 24 CEU's and \$150 to activate his license to work in KY.

Old Business

Christina Bailey Email Requesting Reinstatement of Licensure

Mrs. Moore presented an email from Christina Bailey dated June 12, 2008 requesting reinstatement of her respiratory license that was revoked permanently by default in 2006. Ms. McDaniel requested that staff send Ms. Bailey an email response that her request was tabled and will be given consideration at the next meeting when legal counsel can be present and advise the Board.

Complaints

Mr. Becker announced there was no complaints to review therefore we would not go into Executive Session.

New Business

Dena Shofner Requesting Student Licensure

Pat Fisher gave background information on Ms. Shofner attending respiratory school and the Board reviewed the 1996 offense committed along with letters supporting Dena Shofner seeking a student license with the Board. After strong support and much discussion, Tami McDaniel made a motion to approve the Mandatory Limited Application (student licensure) for Dena Shofner; motion was seconded by Jim Bronson and carried unanimously.

Cheryl D. Stevens, RPh – Email Re: Verbal Orders

Mrs. McDaniel told the Board that she had talked with and had an email inquiry from Cheryl D. Stevens, RPh, Chief Operations Officer for Optioncare of Radcliff, KY regarding Verbal Orders. Ms. Stevens stated the respiratory laws state verbal orders are by *“Physicians only.”* However, Ms. Stevens stated “I realize in KY that ARNP's and PA's are generally recognized as physicians when it comes to orders. In Pharmacy, the practitioner covers ARNP's and PA's along with the doctor or the practitioner's agent may call in an order”. Ms. McDaniel advised the Board that she had conferred with Ms. Lalonde about this inquiry and this is something maybe we would want to look into if we chose to open our laws for changes in the future. After much discussion the Board asked Mrs. McDaniel to reply to Ms. Stevens *“our laws are plain”* and calls *“for a doctor to prescribe orders.”*

Mary Hazelwood Inquiry Presented By Mrs. McDaniel

Mrs. McDaniel advised she had a phone call from Mary Hazelwood who works for a free standing emergency clinic (emergency room) that does not hold patients overnight but keeps them until they can be submitted to a hospital. Ms. Hazelwood had questions about working 24-hour shifts and what is the Board's position on "patient abandonment"? Mrs. McDaniel advised she investigated the inquiry and could not find any laws on "patient abandonment" however, the KY Nursing Board has their own statutes on "patient abandonment for nurses" and they issue opinion statements which she presented to the Board. Mr. Becker requested we table this request for the August 14, 2008 meeting when legal counsel could advise us on this inquiry and request if we could issue an opinion statement patterned after the Nursing statement. Mrs. McDaniel will advise Ms. Hazelwood her inquiry is under consideration and the Board will review her request at the August meeting

Finance Cabinet "Transparency Expenditure/Payment Public Website

Mrs. Moore advised the Board the latest buzz-word is transparency. Mrs. Moore presented information that Governor Beshear is in support of this initiative as well as the State Treasurer and Secretary of State. Governor Beshear has appointed a Task Force to prepare, study, and support the Finance Cabinet and their initiatives to produce a "Transparency Expenditure/Payment Public Website in 4-6 months fashioned after the state of Missouri's Transparency Website. Anything that is deemed an "open record" will be included in the website. Exceptions will be considered for minors, otherwise all Board expenditures will be posted on the website that will include object codes and vendors paid with exceptions of addresses. The General Assembly Open Records Act, KRS 61.870 to KRS 61.884 will be used as the basis (benchmark) for all the information contained in the public website.

KY Board of Physical Therapy Proposed Revisions to KRS 327

Mrs. Moore presented a letter and draft legislation the KY Board of Physical Therapy sent for changes to KRS 327 and invited all health Board's to review the draft and attend a meeting on July 8, 2008 if we had any objections to the "proposed revisions to KRS 327. The Board did not have any comments to render to the proposed changes in the Physical Therapy laws.

KSRC Submits Names to Governor's Office for KBRC Appointments Due 10/31/08

Ms. McDaniel announced the Kentucky Society of Respiratory Care submitted the names of four (4) candidates consisting of Patricia Fisher, Tamara McDaniel, Janet R. Vogt and Cynthia Fouts to the Governor's office for consideration for an appointment to the KBRC Board on or before October 31, 2008 for a three (3) year term.

2008 KBRC Summer Newsletter

Mr. Rose presented the Board with a copy of the 2008 KBRC Summer Newsletter that was placed on our website. The Board was informed of its contents which include articles on questions regarding to NBRC policies; what constitutes as a CEU in regard to college courses; and several articles from Brian Fingerson on drug and alcohol abuse and how to seek help. Tami

McDaniel stated it was a great newsletter. Mr. Becker and Dr. Westerfield thanked Mr. Rose on a job well done.

Announcements

The next regular meeting will be held on Thursday, August 14, 2008 at 5:30 p.m., at the KBRC offices, 2624 Research Park Drive, Suite 304, Lexington, KY.

Application Review

A motion was made by Tami McDaniel to accept all **125** applications since the last meeting; seconded by Jeff Knight. Motion carried unanimously.

The following **Student applications (16)** were approved:

Christopher R. Alford, Breane A. Breidert, Misty G. Dame, Brian L. Downey, Amber N. Edelen, Merici K. Harris, Tamara S. Herron, Christopher S. Jenkins, Christina L. Lawson, Steven D. Leffler, Destiny L. Mattingly, Amy L. Minton, James D. Ping, Jessica P. Rose, Wenter D. Stewart and Wilma L. Webb.

The following **Temporary applications (13)** were approved:

Mary A. Baldwin, Joshua D. Brown, Tiffany M. Coleman, Leslie B. Crace, Brandi C. Damron, Jeremy S. Fugate, Megan C. Gullett, Melisa A. Hale, Thomas A. Hall, Lucas R. Harris, Christie M. Hawkins, Connie G. Taylor, and Kayla M. Toon.

The following **NBRC applications (79)** were approved:

Alicia A. Bachicha, Chesca L. Barrett, Jennifer A. Boggs, Jamie B. Braun, Maria Brock, Melinda M. Brock, Kimberly R. Brockman, James H. Brown, Afreeka L. Burt, Davin D. Butcher, Jessica L. Carter, Sabrina B. Cavendish, Molly E. Clouse, Sheila K. Cook, Baranda D. Corder, Randy Darnell, Laura K. Deglow, Elizabeth M. Drake, Christopher R. Dukes, Melissa D. Elgin, Paul R. Elliott, Joel A. Emerson, Jessica E. Eminhizer, Kelli R. Fain, Lisa M. Federle, Ashley N. Griffin, Steven R. Gearlds, Brooke N. Ginn, David D. Graf, Holly D. Hall, Kimberly D. Hamilton, Samantha G. Hampton, Jonathan M. Haftfield, Michelle M. Heckman, Melanie B. Hodge, Cathy L. Hubbard, Michael T. Hubbard, Delena S. Johnson, Marion Y. Johnson, Ashley B. Judd, Ronnie Justice, Lindsey K. Knuckles, Julie A. Lake, Michelle R. Loney, Susan K. Luttrell, Lindsey D. McCown, Bryan McDonald, Jessica D. McGinnis, Ashley B. Martin, Mary J. Martin, Victoria M. Martin, Alisa N. Mattern, Ronald Maxey, Angela N. Mills, Kenneth R. Miller, Tressa L. Miller, Regina A. Miracle, Kathy L. Mullins, Jamie M. Newcom-McClure, Yolanda E. Pinkelton, Dagney N. Pinkston, Amanda R. Parrigan, Whitney L. Pryor, Joshua P. Ratliff, Gary W. Rayborn, Tina M. Rice, Melissa A. Richmond, Kimberly A. Romes, Kimberly R. Sallee, Sara L. Sexton, Tonika D. Sluss, Rocky M. Sowards, Krystal D. Summers, Andrew J. Tatum, Ryan M. Thompson, Matthew Todhunter, Paul D. Tomlin, Dana M. Tyree and Tina L. VanHoose.

The following **Reciprocity applications (17)** were approved:

Gary J. Adams, II, William L. Baird, Katrina L. Catron, Melanie L. Cundiff, Robin M. Dancy, Wayne O. Harwell, Sharon K. Hairston, Jill A. Lamothe-Bruns, Virginia C. Murphy, Connie G. Prewitt, Darrel J. Porche, Sherry L. Robinson, Tawanna S. Riley, Laurie J. Reichart, Leslie E. Rogers, Gary W. Saunders and Gene M. Tullos.

Dr. Byron T. Westerfield made a motion to adjourn the meeting at 7:00 p.m.; seconded by Tami McDaniel. Motion carried unanimously.

Klaus O. Becker, Vice-Chair
KY Board of Respiratory Care